

## REMARKS

Claims 1-29 and 31-50 are now in the case.

Applicants appreciate and acknowledge the mention by the Examiner that claims 24-38 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have cancelled claim 30 without prejudice.

Applicants have amended claims 1, 39, 40, 42 and 44 by adding the features of a cleaning sheet having a macroscopically three-dimensional substrate having a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10.

Applicants have amended claim 31 to delete the features of the Average Peak to Peak Distance and Surface Topography Index now included in claim 1.

Applicants have amended claims 32, 35 and 37 to correct their dependency.

Applicants have added claims 48-50 to claim additional features described in the specification. Each of these amendments is supported by the specification (see page 2, lines 2-7, page 22, lines 7-9) and claims (see claim 30) as filed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

### **Double Patenting Rejection**

Claims 1-47 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being patentable over claims 1-17 of copending application serial No. 09/410,592.

In addition, claims 24-38 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being patentable over claims 2-12, 14, 16-49, 52-67 and 69-109 of copending application serial No. 09/082,349.

As suggested by the Examiner, Applicant is submitting a terminal disclaimer in compliance with 37 C.F.R. 1.321(c).

Applicants submit that the present application, application serial No. 09/410,592 and application serial No. 09/082,349 are assigned and therefore commonly owned by The Procter & Gamble company.

In view of the foregoing, reconsideration and withdrawal of the rejections are therefore respectfully requested.

#### **Rejections Under 35 U.S.C. § 102(b).**

Claims 1, 2, 5, 15-23, 39, 40, 42, 44 and 47 were rejected under 35 U.S.C. 102(b) as being anticipated by Haynes et al. '112.

Applicants submit that claims 1, 39, 40, 42 and 44 have been amended and now include the features of a cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

It is Applicants' position that the '112 reference does not teach or suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys. Since the '112 reference does not teach or suggest each and every elements of the claimed invention, it cannot anticipate claims 1, 39, 40, 42 and 44.

In view of the foregoing remarks, reconsideration and withdrawal of the rejections are therefore respectfully requested.

#### **Rejections Under 35 U.S.C. § 103(a).**

Claims 3, 4, 6-14, 41, 43 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al. '112 in view of Henry '061 or Trasher '436.

Applicants have established that the Haynes et al. reference does not teach or suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward

surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

In addition, Applicants respectfully submit that neither Henry nor Trasher either teach or even remotely suggest a macroscopically three-dimensional cleaning sheet having a first and a second outward surface wherein at least one of said outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys.

Applicants note that “[t]o establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

It is therefore Applicants’ position that the office action has failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejections are therefore requested.

In light of the foregoing, early and favorable action on all claims is requested.

Respectfully submitted,

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**VERSION WITH MARKING TO SHOW CHANGES MADE.**

**IN THE CLAIMS**

Please, cancel claim 30 without prejudice.

Please amend the claims as follows:

1. (Amended) A cleaning sheet for removing dust from a surface, said cleaning sheet comprising:

- (a) a macroscopically three-dimensional substrate having a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10;
- (b) an additive selected from the group consisting of surfactant, wax, oil, and mixtures thereof; and
- (c) [(b)] perfume.

31. (Amended) The cleaning sheet of Claim 2 wherein said cleaning sheet comprises a relatively high basis weight continuous region having a basis weight of from about 30 to about 120 g/m<sup>2</sup> and a plurality of discrete discontinuous regions circumscribed by the high basis weight region, wherein the discontinuous regions are disposed in a nonrandom, repeating pattern and have a basis weight of not more than about 80% of the basis weight of the continuous region [; and wherein the cleaning sheet has a first outward surface and a second outward surface, wherein at least one of the outward surfaces has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10].

32. (Amended) The cleaning sheet of Claim 1 [31] wherein the Average Height Differential of at least one of the surfaces is at least about 0.5 mm.

35. (Amended) The cleaning sheet of Claim 1 [31] wherein the Average Peak to Peak Difference of at least one of the outward surfaces is at least about 2 mm.

37. (Amended) The cleaning sheet of Claim 1 [31] wherein the Surface Topography Index of at least one of the outward surfaces is from about 0.1 to about 5.

39. (Amended) A cleaning sheet for removing dust from a surface, said cleaning sheet comprising a macroscopically three-dimensional substrate comprising synthetic fibers hydroentangled with a scrim material, wherein said substrate has a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10 and wherein said cleaning sheet further comprises an additive consisting of a surfactant, and perfume.

40. (Amended) A cleaning sheet for removing dust from a surface, said cleaning sheet comprising a macroscopically three-dimensional substrate comprising synthetic fibers hydroentangled with a scrim material, wherein said substrate has a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10 and wherein said cleaning sheet further comprises an additive consisting of an oil, and perfume.

42. (Amended) A cleaning sheet for removing dust from a surface, said cleaning sheet comprising a macroscopically three-dimensional substrate comprising synthetic fibers hydroentangled with a scrim material, wherein said substrate has a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10 and wherein said cleaning sheet further comprises an additive consisting of a wax, and perfume.

44. (Amended) A cleaning sheet for removing dust from a surface, said cleaning sheet comprising a macroscopically three-dimensional substrate comprising synthetic fibers hydroentangled with a scrim material, wherein said substrate has a first outward surface and a second outward surface, wherein at least one of the outward surfaces has a macroscopic three dimensional texture, said macroscopic dimensional texture being defined by peaks and valleys such that said textured outward surface has an Average Peak to Peak Distance of at least about 1 mm and a Surface Topography Index from about 0.01 to about 10 and, wherein said cleaning sheet further comprises an additive consisting of a mixture of a wax and an oil, and perfume.